

fact sheet



Reauthorization of the Magnuson-Stevens Act

Issue: Fines and penalties

Overview: Fishery management regulations require industry compliance to be effective. Compliance depends on: (1) the economic incentives associated with management measures, and (2) the effectiveness of fisheries law enforcement. As a result, NOAA must utilize fines and penalties that have significant consequences in order to deter potential violators. When fisheries regulations are ignored, it is not only the resource that pays a price, but also the fishers who obey the regulations.

Proposal: The Administration's Magnuson-Stevens Act (MSA) proposal contains a number of fisheries law enforcement provisions designed to deter violations through fines and penalties. The proposal would increase maximum civil administrative penalties from \$100,000 to \$240,000, and authorize civil judicial penalties up to \$300,000. The proposal also increases the Act's criminal penalties. Criminal penalties include imprisonment for not more than five years and fines of not more than \$500,000 for individuals or \$1,000,000 for an organization.

Purpose: The increases in fines and penalties provide an appropriate legal response to serious violations of the Magnuson-Stevens Act. Fines and penalties must be significant in order to prevent potential violators from simply accepting them as a cost of doing business.

NOAA has determined that two of the biggest threats to the MSA enforcement regime are: 1) modest to minor violations committed repeatedly by the same entity over time, and 2) single incident violations of a significant and serious nature, usually committed by large business entities. The economic impact of these violations is considerable and therefore justifies a stiff enforcement response. In addition, the United States has taken a highly public and active role in promoting international actions to combat illegal, unreported, and unregulated (IUU) fishing in both domestic and high seas waters. A robust domestic fisheries enforcement regime not only mitigates IUU activities in U.S. waters, it also sets an example for the international community and reinforces the United States' leadership in this effort.